

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**IN RE: AFTERMARKET FILTERS  
ANTITRUST LITIGATION**

**Master Docket  
No.: 08-cv-4883  
MDL No.: 1957**

**This Document Relates to:  
All Actions**

**District Judge Robert W. Gettleman  
Magistrate Judge Geraldine Soat Brown**

**SCHEDULING ORDER REGARDING DISCOVERY AND SUMMARY JUDGMENT**

Status hearing held by telephone conference on February 3, 2012. The parties advised the court that, in view of the likelihood that some, and perhaps all, of the defendants anticipate filing motions for summary judgment on the element of conspiracy, they agree that discovery relating to class certification and certain merits discovery going to elements other than conspiracy should be taken, to the extent necessary, after the conclusion of discovery on the conspiracy element and following disposition of motions for summary judgment on that element.

The following schedule shall govern discovery and summary judgment relating to the conspiracy element of Plaintiffs' claims in the above-captioned MDL proceedings.

**Production of Documents**

Defendants will substantially complete the production of non-privileged documents responsive to Plaintiffs' requests by March 5, 2012. Defendants will make their best efforts to produce documents responsive to Rule 45 subpoenas served on any of defendants' former employees also by March 5, 2012, but no later than March 20, 2102. Privilege logs, if any, will be served by March 19, 2012.

**Merits Depositions**

**Tier 1**

Plaintiffs will complete the depositions of the following Tier 1 witnesses no later than August 3, 2012:

- Paul McFall, Former Employee of ArvinMeritor
- Larry Curtis, Former Employee of ArvinMeritor
- James Burnham, ArvinMeritor
- Brad Hays, Former Employee of Honeywell
- Lowell Cockrum, Former Employee of Champion
- Jerry Smith, Former Employee of Champion
- Ed James, Former Employee of Champion
- Joe Lehman, Donaldson
- Jim Voeller, Donaldson
- Peggy Hermann, Donaldson
- Ron Gower, Former Employee of Wix
- Bill Fischer, Wix
- Tony Costa, Former Employee of Honeywell
- Al Tobin, Former Employee of Champion
- Mark McDaniel, Champion
- John Evans, Former Employee of Champion
- Ty Nilsson, Former Employee of Champion
- Marlen Silverii, Former Employee of ArvinMeritor
- Keith Wilson, Wix
- Curtis Draper, United Components Inc.
- Guy Andrysick, Former Employee of Honeywell
- Mark Immen, Former Employee of Honeywell
- Forensic Experts
- Potential Third Parties, to be identified as soon as practicable

**Tier 2**

The parties will meet and confer before August 3, 2012 regarding the need for any of the following Tier 2 witness depositions:

- Joe O'Brien, Wix
- Chris Greeson, Wix
- Terry Shively, Wix
- William Daniel, Former Employee of ArvinMeritor
- Jeff Frey, ArvinMeritor
- Rob Malone ArvinMeritor

- Al Henagar, Former Employee of Champion
- Mike Boyer, Former Employee of Champion
- Art Demers, Former Employee of Champion
- Julie Rigg, Former Employee of Champion
- Steve Schurman, Former Employee of Champion
- Scott Lewis, Former Employee of Champion
- Tom Mowatt, Former Employee of Champion
- Gary Kauffman, Former Employee of Champion
- Bruce Zorich, United Components Inc.

### **Close of Discovery**

Discovery as to the conspiracy element of Plaintiffs' claims shall close on October 31, 2012.

### **Summary Judgment Motions**

Pursuant to Paragraph 2 of the Court's January 20, 2012 Order, any defendant may serve a proposed summary judgment motion on plaintiffs at any time before the close of discovery. After such service, the parties will meet and confer about whether additional discovery is necessary before filing the summary judgment motion with the court. Plaintiffs advise the Court that they believe at least the Tier 1 depositions must be completed before they could respond to a motion for summary judgment. Accordingly, if any defendant serves a motion for summary judgment before the completion of the Tier 1 depositions, and, after the conference required by this paragraph, no agreement is reached as to the depositions that need to be completed before summary judgment motions are filed with the Court, the defendant shall move the court for leave to file the motion for summary judgment before the completion of Tier 1 depositions. Any summary judgment motions must be filed with supporting material and noticed before the District Judge, who shall set a briefing schedule for summary judgment that accommodates the need for any additional discovery.

**Additional Discovery**

If necessary, the parties will meet and confer regarding non-conspiracy discovery, including but not limited to class discovery and 30(b)(6) depositions, no later than 30 days after summary judgment has been decided.

**ENTER: February 3, 2012**

A handwritten signature in cursive script, reading "Geraldine Soat Brown".

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**Hon. Geraldine Soat Brown**  
**United States Magistrate Judge**